

## **REMARKS**

Reconsideration of this application as amended is respectfully requested.

Claims 1-37 are pending. Claims 1-9 and 28-32 have been amended. Applicant submits that the amendments do not add new matter.

### **DOUBLE PATENTING REJECTION**

Claim 1-5, 7-14, 16-23 and 25-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-107 of U.S. Patent No. 6,216,114, Alaia, hereinafter "Alaia". Claim 6, 15 and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,216,114, Alaia, in view of U.S. Patent No. 6,014,624, Togher, et al., hereinafter "Togher."

The terminal disclaimer in compliance with 37 CFR § 1.321 is filed herewith to overcome the provisional nonstatutory double patenting rejection of claims 1-27.

In view of the above, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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